

REMARKS

The current Amendment is being filed in response to the September 25, 2007 Office Action. Claims 1-4 are pending in this application, and claim 5 is added to further distinguish the present invention from the prior art. The Examiner has rejected claims 1-2 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,522,898 ("Kohno") in view of U.S. Patent No. 6,533,078 ("Akerberg"). Further, the Examiner has rejected claims 3-4 under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2002/01779863 ("Hirable") in view of Akerberg.

In rejecting claims 1 and 2 as obvious, the Examiner alleges that Kohno teaches and discloses all of the elements of claims 1 and 2 of the present application except for "controlling the directivity of the adaptive antenna 'in response to quality of the reception' of the radio terminal". The examiner states that Akerberg teaches this limitation. However, Akerberg does not disclose "controlling the directivity" of the adaptive antenna. Instead, Akerberg teaches a terminal having two antennas and switching between them based upon a received signal. Therefore, Akerberg does not teach the claimed base station and Kohno in connection with Akerberg, does not disclose all the elements of claims 1 and 2. Further, even if Akerberg is applied to Kohno, the structure of the claimed invention cannot be obtained, as Akerberg does not disclose the idea of controlling the directivity. Rather, Akerberg discloses switching the antenna based upon the receiving signal, and therefore, an individual of ordinary skill in the art would not apply Akerberg to Kohno.

In rejecting claims 3 and 4 as obvious, the Examiner alleges that Hirable teaches and discloses all of the elements of claim 3 of the present application except for "a radio wave

corresponding to a signal concerning the good quality of reception among the acquired signals from the radio terminal." The Examiner suggests that the missing element of claim 3 is taught by Akerberg. However, neither of Hirable or Akerberg, alone or in combination, discloses or suggests the requirement of claims 3 and 4 that the base station acquire "a signal from the radio terminal . . . while changing the transmission direction of the radio wave of the adaptive antenna." Nothing in either Hirable or Akerberg suggests that the base station is able to acquire the necessary signal while in the process of changing the transmission direction. Thus Hirable in combination with Akerberg does not disclose all of the elements of Claims 3 and 4.

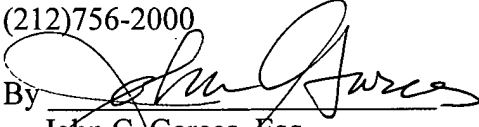
Further, Hirable sets a predetermined threshold relating to the data transmission rate, and compares the number M_a of users in which the data transmission rate of the assigned downlink channel is larger than the threshold and the number M_b of users in which the data transmission rate of the assigned downlink channel is smaller than the threshold, and decides the null generation direction candidates based on the comparison result. For example, if M_a is smaller than M_b , the arrival direction with respect to the user included in the group in which the data transmission rate is larger than the threshold is set as the null generation direction candidates. If M_a is larger than M_b , the arrival direction with respect to the user included in the group in which the data transmission rate is smaller than the threshold is set as the null generation direction candidates. The null generation direction candidates are determined based on the number of users, the relationship between M_a and M_b . Therefore, Hirabe does not disclose the limitation of claim 4 that the base station "control the directivity of the antenna at the transmission direction of the radio wave corresponding to a good data rate control," and Hirable in combination with Akerberg does not disclose all of the elements of claim 4.

For at least the reasons set forth above, Applicant respectfully submits that claims 1-4 are in condition for allowance. Further, the newly added claim 5 is also distinguishable over the prior art. Reconsideration and prompt allowance of this application are respectfully requested. The Examiner is urged to telephone Applicant's undersigned counsel at the number noted below if it will advance the prosecution of this application, or with any suggestion to resolve any condition that would impede allowance. The Patent and Trademark Office is authorized to charge any fees required for the entry of this Response, including fees for an extension of time, and any further fees that are properly assessable in this case, or to credit any overpayment, to Deposit Account No. 50-0675, Order No. 848075/0072. In the event that an extension of time is needed for entry of this Response that is not otherwise provided for, such extension of time is hereby respectfully requested.

Respectfully submitted,

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Dated: December 26, 2007
New York, New York

Certificate of Mailing

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Dated: December 26, 2007